

Application No. 10/084,241

REMARKS

Claims 1-8 have been rejected. By this Amendment, claim 1 is amended, and claims 1-8 are now presented for reconsideration and allowance.

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Pat. No. 6,088,347 to Minn et al. The Minn et al. patent describes a spread spectrum modulation scheme in which first and second input signals are each modulated by different direct-sequence spreading codes that have low cross-correlation with one another. As described, the spreading codes include a combination of channelization and pseudo-noise codes. The modulation scheme described in the Minn et al. patent permits high-bandwidth signals to be modulated at a higher chip rate, while low-bandwidth signals sharing the communication channel are modulated at a lower chip rate. Preferably, the relative data rates between the first and second input signals, and the relative dimensions of the channelization codes are selected and coordinated such that the modulated output signals maintain the same spreading gain.

However, the Minn et al. patent does not teach or suggest a two-level, variable chip rate system, in which data is spread with a first level spreading code and with a second level spreading code, wherein at least one of the first level and the second level spreading codes has a dynamically variable chip rate, as claimed in amended claim 1.

PCT International Application Publication No. WO 00/45530 (Fan et al.) describes a spread spectrum modulation system in which desired spreading sequences are selected with variable ZCZ properties according to channel conditions. The various selectable sequences can have different lengths. However, the Fan et al. publication also does not teach or suggest spreading data with a first level spreading code and with a second level spreading code, wherein at least one of the first level and the second level spreading codes has a dynamically variable chip rate, as claimed in amended claim 1.

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Because the Minn et al. patent and the Fan et al. publication, either individually, or in combination, fail to teach or suggest every limitation claimed in independent claim 1, Applicant respectfully submits that a prima facie case of obviousness has not been made. Dependent claims 2-8 further define claim 1; therefore, these claims are also believed to be allowable.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-8 are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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